



PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

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DA 06-296

Released: February 6, 2006

**DOMESTIC SECTION 214 APPLICATION FILED
FOR THE TRANSFER OF CONTROL OF BCN TELECOM, INC.
THROUGH THE SALE OF TELECOM ACQUISITION COMPANY, LLC**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 06-29

Comments Due: February 21, 2006

Reply Comments Due: February 28, 2006

On January 20, 2006, BCN Telecom, Inc. ("BCN Telecom") and Telecom Acquisition Company, LLC ("TACO") (BCN Telecom and TACO, collectively, the "Applicants"), filed an application, pursuant to section 63.04 of the Commission's rules,¹ seeking authority to transfer control of BCN Telecom through the sale of TACO, its parent company.²

Applicants assert that this transaction is entitled to presumptive streamlined treatment under section 63.03(b)(2)(i) of the Commission's rules because the proposed transaction will result in: (1) BCN Telecom and its affiliates having a market share in the interstate, interexchange market of less than 10%; (2) BCN Telecom and its affiliates providing competitive telephone exchange services or exchange access services exclusively in geographic areas served by a dominant local exchange carrier that is not a party to the transaction; and (3) neither BCN Telecom nor any of its affiliates are regulated as dominant with respect to any service.³

BCN Telecom, a New Jersey corporation, is a non-dominant carrier providing international (as well as intrastate and interstate) long distance services through the resale of purchased services from various facilities-based carriers. BCN Telecom provides local, long

¹ 47 C.F.R. § 63.04; *see* 47 U.S.C. § 214.

² Applicants are also filing an application for transfer of control associated with authorization for international services. Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications.

³ 47 C.F.R. § 63.03(b)(2)(i).

distance, toll-free, UNE-P, T1 to T3 voice or data/Internet, audio conferencing, and voicemail services to small and medium business customers along the east coast of the U.S. as well as in large call centers throughout the U.S. BCN is a wholly owned subsidiary of TACO.

TACO, a New Jersey limited liability company, is a holding company and does not provide telecommunications services. The following U.S. entities or individuals currently hold a 10% or greater interest in TACO: Advance Capital Partners, LLC (37.3%); JADM Partners, LP (36.1%); and Richard M. Boudria (16.5%). No other individual or entity holds a 10% or greater interest in TACO. Post-consummation, the following individuals will hold a 10% or greater interest in TACO, and thus BCN: Richard M. Boudria, a U.S. citizen, (48.5%); and William P. Mulcahy, a U.S. citizen, (11.5%). No other individual or entity will hold a 10% or greater interest in TACO.

TACO has reached agreement with certain of the individuals and entities that hold membership interests in TACO – specifically, Advance Capital Partners, LLC; JADM Partners, LP; Salvatore Tiano; and ELD Partners, LP – to acquire all of the members' interests in TACO. Post-close, two U.S. citizens who are currently officers of BCN Telecom, Richard M. Boudria and William P. Mulcahy will hold a majority of the ownership interests in TACO and thus in BCN Telecom.⁴

Applicants state that the proposed transaction serves the public interest because: (1) BCN Telecom will continue to operate as it has in the past, using the same name, terms, and conditions of service, and operating authority; and (2) the transfer of control will be transparent to, and have no adverse impact on, BCN Telecom's customers.

GENERAL INFORMATION

The transfer of control identified herein has been found, upon initial review, to be acceptable for filing as a streamlined application. The Commission reserves the right to return any transfer of control application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file **comments on or before February 21, 2006 and reply comments on or before February 28, 2006.**⁵ Unless otherwise notified by the Commission, Applicants are permitted to transfer the assets and related control on the 31st day after the date of this notice.⁶ Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal

⁴ In the course of this transaction, TACO's ownership will be reorganized, such that only 3 of the current owners will retain an interest in TACO, including Richard M. Boudria and William P. Mulcahy. Applicants state that the remaining interests, however are all below the 10% minimum ownership threshold outlined in our rules.

⁵ See 47 C.F.R. § 63.03(a).

⁶ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

Government's eRulemaking Portal, or (3) by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- **For ECFS filers,** if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.
- **Paper Filers:** Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington D.C. 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

You may submit comments, identified by the above noted docket number, by any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Federal Communications Commission's Web Site: <http://www.fcc.gov/cgb/ecfs/>. Follow the instructions for submitting comments.
- People with Disabilities: Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: FCC504@fcc.gov or phone: 202-418-0530 or TTY: 202-418-0432.

In addition, one copy of each pleading must be sent to each of the following:

- (1) The Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, www.bcpiweb.com; phone: (202) 488-5300 fax: (202) 488-5563;
- (2) Tracey Wilson-Parker, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C212, Washington, D.C. 20554; email: tracey.wilson-parker@fcc.gov;
- (3) Adam Kirschenbaum, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C211, Washington, D.C. 20554; e-mail: adam.kirschenbaum@fcc.gov;
- (4) Susan O'Connell, Policy Division, International Bureau, 445 12th Street, S.W., Room 7-B544, Washington, D.C. 20554; email: susan.o'connell@fcc.gov; and
- (5) James Bird, Office of General Counsel, 445 12th Street, S.W., Room 8-C824, Washington, D.C. 20554; e-mail: james.bird@fcc.gov.

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone: (202) 488-5300, fax: (202) 488-5563, or via e-mail www.bcpiweb.com.

For further information, please contact Tracey Wilson-Parker at (202) 418-1394, or Adam Kirschenbaum at (202) 418-7280.

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